

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD)(SN) ECF Case

**DECLARATION IN SUPPORT OF MOTION FOR
ENTRY OF PARTIAL FINAL DEFAULT JUDGMENTS ON BEHALF
OF BURNETT/IRAN PERSONAL-INJURY PLAINTIFFS**
(BURNETT / IRAN PERSONAL INJURY 5)

JOHN M. EUBANKS, Esquire, hereby states under penalty of perjury that:

1. I am a member of the law firm of Motley Rice LLC, attorneys for the Plaintiffs in the above-captioned matters. I submit this Declaration in support of this motion on behalf of the Plaintiffs identified in Exhibit A (attached hereto) from the action titled *Thomas Burnett, Sr., et al., v. The Islamic Republic of Iran, et al.*, 15-cv-9903-GBD-SN (“*Burnett/Iran*”).

2. The form of this motion and the relief requested herein are intended to comply with the following orders of this Court:

- a. The Court’s order dated January 24, 2017 (ECF No. 3435¹), requiring that “[a]ll further motions for final judgment against any defaulting defendant shall be accompanied by a sworn declaration attesting that the attorney has (1) complied with the due diligence safeguards [referenced in Section II.D. of the January 23, 2017 letter from the Plaintiffs' Executive Committee (ECF No. 3433)] and (2) personally verified that no relief has previously been awarded to any plaintiff included in the judgment (or, if relief has been awarded, the nature of that relief).” For compliance with the required sworn declaration, please see below.
- b. The Court’s Order dated October 14, 2016 (ECF No. 3362) related to the cases captioned as *Bauer v. Al Qaeda Islamic Army*, 02-CV-7236

¹ Unless indicated differently, citations to ECF Nos. are to the docket in *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD)(SN).

(GBD)(SN) and *Ashton v. al Qaeda Islamic Army*, 02-CV-6977 (GBD)(SN).

3. Service of process on The Islamic Republic of Iran and the Islamic Revolutionary Guard Corps was executed pursuant to 28 U.S.C. § 1608(a) on September 14, 2016 by service through diplomatic channels. Service on the Central Bank of the Islamic Republic of Iran was executed pursuant to 28 U.S.C. § 1608(b) on March 18, 2016 through direct mailing via the U.S. Postal Service.

4. The sources of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter, my firm's representation of the *Burnett/Iran* Plaintiffs listed in Exhibit A in connection with the September 11th terror attacks, other court records relating to the *In re Terrorist Attack on September 11, 2001* multidistrict litigation to which these individuals are parties, my communications with other counsel for other plaintiffs in the *In re Terrorist Attacks on September 11, 2001* multidistrict litigation, and conversations with these plaintiffs and other family members of these plaintiffs. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

5. The *Burnett/Iran* Plaintiffs identified in Exhibit A each sustained physical injuries on September 11, 2001 as a proximate result of the terrorist attacks on September 11, 2001, as indicated for each person on Exhibit A.

6. Exhibit B is a true and correct copy of the Declaration of Jocelyn Ambroise detailing injuries sustained on September 11, 2001.

7. Exhibit C is a true and correct copy of the Declaration of Benjamin Arroyo detailing injuries sustained on September 11, 2001.

8. Exhibit D is a true and correct copy of the Declaration of Prakash Bhatt detailing injuries sustained on September 11, 2001.

9. Exhibit E is a true and correct copy of the Declaration of Quinceyann Booker-Jackson detailing injuries sustained on September 11, 2001.

10. Exhibit F is a true and correct copy of the Declaration of Carmen Bridgeforth detailing injuries sustained on September 11, 2001.

11. Exhibit G is a true and correct copy of the Declaration of Pasquale Buzzelli detailing injuries sustained on September 11, 2001.

12. Exhibit H is a true and correct copy of the Declaration of Richard Martin Bylicki detailing injuries sustained on September 11, 2001.

13. Exhibit I is a true and correct copy of the Declaration of Luis Carbonell detailing injuries sustained on September 11, 2001.

14. Exhibit J is a true and correct copy of the Declaration of Frank Castrogiovanni detailing injuries sustained on September 11, 2001.

15. Exhibit K is a true and correct copy of the Declaration of Carmen Colon detailing injuries sustained on September 11, 2001.

16. Exhibit L is a true and correct copy of the Declaration of Joel Council detailing injuries sustained on September 11, 2001.

17. Exhibit M is a true and correct copy of the Declaration of Fernando Cuba detailing injuries sustained on September 11, 2001.

18. Exhibit N is a true and correct copy of the Declaration of Andres De La Rosa detailing injuries sustained on September 11, 2001.

19. Exhibit O is a true and correct copy of the Declaration of Elaine Duch detailing injuries sustained on September 11, 2001.

20. Exhibit P is a true and correct copy of the Declaration of Timothy Duffy detailing injuries sustained on September 11, 2001.

21. Exhibit Q is a true and correct copy of the Declaration of Gabriel Esposito detailing injuries sustained on September 11, 2001.

22. Exhibit R is a true and correct copy of the Declaration of Edgar Felix detailing injuries sustained on September 11, 2001.

23. Exhibit S is a true and correct copy of the Declaration of Erasmo Fernandez detailing injuries sustained on September 11, 2001.

24. Exhibit T is a true and correct copy of the Declaration of Genoveva “Jenny” Fernandez detailing injuries sustained on September 11, 2001.

25. Exhibit U is a true and correct copy of the Declaration of Roger Fernandez detailing injuries sustained on September 11, 2001.

26. Exhibit V is a true and correct copy of the Declaration of Vincent Ferranti detailing injuries sustained on September 11, 2001.

27. Exhibit W is a true and correct copy of the Declaration of Thomas Joseph Forbes detailing injuries sustained on September 11, 2001.

28. Exhibit X is a true and correct copy of the Declaration of Leileth Foster detailing injuries sustained on September 11, 2001.

29. Exhibit Y is a true and correct copy of the Declaration of Henry Fuerte detailing injuries sustained on September 11, 2001.

30. Exhibit Z is a true and correct copy of the Declaration of Carmela M. Harrison detailing injuries sustained on September 11, 2001.

31. Exhibit AA is a true and correct copy of the Declaration of Elaine Helms detailing injuries sustained on September 11, 2001.

32. Exhibit BB is a true and correct copy of the Declaration of Patrick Imperato detailing injuries sustained on September 11, 2001.

33. Exhibit CC is a true and correct copy of the Declaration of Rafaela Martinez detailing injuries sustained on September 11, 2001.

34. Exhibit DD is a true and correct copy of the Declaration of Nexhat Mela detailing injuries sustained on September 11, 2001.

35. Exhibit EE is a true and correct copy of the Declaration of Roberto Mesa detailing injuries sustained on September 11, 2001.

36. Exhibit FF is a true and correct copy of the Declaration of Ram Anthony Mohabir detailing injuries sustained on September 11, 2001.

37. Exhibit GG is a true and correct copy of the Declaration of Omar Mota detailing injuries sustained on September 11, 2001.

38. Exhibit HH is a true and correct copy of the Declaration of Daniel Arthur Narlock detailing injuries sustained on September 11, 2001.

39. Exhibit II is a true and correct copy of the Declaration of Eugene F. O'Reilly detailing injuries sustained on September 11, 2001.

40. Exhibit JJ is a true and correct copy of the Declaration of Angel R. Ortiz detailing injuries sustained on September 11, 2001.

41. Exhibit KK is a true and correct copy of the Declaration of Pedro Picardo detailing injuries sustained on September 11, 2001.

42. Exhibit LL is a true and correct copy of the Declaration of Edward Prince detailing injuries sustained on September 11, 2001.

43. Exhibit MM is a true and correct copy of the Declaration of Godwin Quinones detailing injuries sustained on September 11, 2001.

44. Exhibit NN is a true and correct copy of the Declaration of Nelson Rocha detailing injuries sustained on September 11, 2001.

45. Exhibit OO is a true and correct copy of the Declaration of Arnold John Roma detailing injuries sustained on September 11, 2001.

46. Exhibit PP is a true and correct copy of the Declaration of Jose Sanchez detailing injuries sustained on September 11, 2001.

47. Exhibit QQ is a true and correct copy of the Declaration of Brandon Smith detailing injuries sustained on September 11, 2001.

48. Exhibit RR is a true and correct copy of the Declaration of Kathleen Stanton detailing injuries sustained on September 11, 2001.

49. Exhibit SS is a true and correct copy of the Declaration of Geraldine Texeira detailing injuries sustained on September 11, 2001.

50. Exhibit TT is a true and correct copy of the Declaration of Johnny Torres detailing injuries sustained on September 11, 2001.

51. Exhibit UU is a true and correct copy of the Declaration of Hilda Valentine detailing injuries sustained on September 11, 2001.

52. Exhibit VV is a true and correct copy of the Declaration of Emmanuel Vega detailing injuries sustained on September 11, 2001.

53. Exhibit WW is a true and correct copy of the Declaration of Cecil Ward detailing injuries sustained on September 11, 2001.

54. Exhibit XX is a true and correct copy of the Declaration of Christian R. Waugh detailing injuries sustained on September 11, 2001.

55. Exhibit YY is a true and correct copy of the Declaration of John David Yates detailing injuries sustained on September 11, 2001.

56. Exhibit ZZ is a true and correct copy of the Declaration of Richard Stephen Zletz detailing injuries sustained on September 11, 2001.

57. After reviewing the records available to me regarding other judgments entered by this Court against the Iranian defendants, I have not identified any relief that has previously been awarded to any particular plaintiff identified in Exhibit A to *Burnett/Iran* Personal Injury 5.

58. Before filing this motion, I have (1) complied with the due diligence safeguards referenced in Section II.D. of the January 23, 2017 letter from the Plaintiffs' Executive Committees (ECF No. 3433) and (2) personally verified that, based upon my review of the records available to me regarding other judgments entered by this Court against the Iranian defendants, no relief has previously been awarded to any of these plaintiffs included in the judgment.

59. Accordingly, a proposed Order of Partial Final Judgment for the Plaintiffs Identified in Exhibit A, conforming to the Court's previous orders, is being filed contemporaneously with this Declaration.

Dated: August 9, 2021

/s/ John M. Eubanks

John M. Eubanks, Esq.
Jodi Westbrook Flowers, Esq.
Robert T. Haefele, Esq.
MOTLEY RICE LLC
28 Bridgeside Blvd.
Mount Pleasant, SC 29464
Tel: 843-216-9218

Fax: 843-216-9450

Email: jeubanks@motleyrice.com